

0014



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Norman H. Bangerter, Governor  
Dee C. Hansen, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

April 8, 1986

CERTIFIED RETURN RECEIPT REQUESTED  
NO. P 001 720 887

Mr. Charles Gent  
Genwal Coal Company, Inc.  
PO Box 1201  
Huntington, Utah 84527

Dear Mr. Gent:

Re: Proposed Assessment for State Violation No. N86-4-1-4,  
ACT/015/032, Folder No. 8, Emery County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under UMC/SMC 845.11-845.17.

Enclosed is the proposed civil penalty assessment for the above referenced violation. This violation was issued by Division Inspector Dave Lof on March 5, 1986. Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information submitted by you or your agent within 15 days of receipt of this notice of violation has been considered in determining the facts surrounding the violation and the amount of penalty.

Within fifteen (15) days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty. (Address a request for a conference to Ms. Jan Brown at the above address.) If no timely request is made, all pertinent data will be reviewed and the penalty will be reassessed, if necessary, for a finalized assessment. Facts will then be considered which were not available on the date of the proposed assessment due to the length of the abatement period. This assessment does not constitute a request for payment.

Sincerely,

A handwritten signature in cursive script that reads "Mike Earl".

Mike Earl  
Assessment Officer

jmc  
Enclosure  
cc: D. Griffin  
7314Q

SUMMARY OF PROPOSED ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS AND MINING  
355 West North Temple 3 Triad Center Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

COMPANY/MINE: Genwal/Crandall Canyon NOV # N86-4-1-4

NOV # N86-4-1-4

PERMIT # ACT/015/032

<u>VIOLATION</u>		<u>POINTS</u>	<u>AMOUNT</u>
<u>1</u>	OF <u>4</u>	<u>49</u>	<u>\$ 960</u>
<u>2</u>	OF <u>4</u>	<u>74</u>	<u>4,000</u>
<u>3</u>	OF <u>4</u>	<u>42</u>	<u>680</u>
<u>4</u>	OF <u>4</u>	<u>54</u>	<u>1,140</u>
	OF _____	_____	_____
	OF _____	_____	_____
	OF _____	_____	_____
	OF _____	_____	_____
	OF _____	_____	_____
	OF _____	_____	_____
TOTAL ASSESSED FINE		<u>219</u>	<u>\$ 6,780</u>

0056Q

WORKSHEET FOR ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall CanyonNOV # N86-4-1-4PERMIT # ACT/015/032VIOLATION 1 OF 4I. HISTORY MAX 25 PTS

- A. Are there previous violations which are not pending or vacated,  
which fall within 1 year of today's date?

ASSESSMENT DATE 4/7/86 EFFECTIVE ONE YEAR DATE 4/8/85

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
N83-2-14-1	4/19/85	1	N84-4-14-1	2/28/86	1
N85-4-6-1	2/28/86	1	N85-4-7-2	2/28/86	2
N85-4-5-2	2/28/86	2	C85-4-5-2	3/14/86	2
N84-2-20-6	2/28/86	6	N85-4-9-1	2/28/86	1
N85-4-7-2	2/28/86	2	N85-4-12-3	2/28/86	3
C85-4-3-1	3/14/86	5	C85-4-7-1	3/14/86	5
N85-4-16-1	4/19/86	0	N85-4-23-1	3/14/86	1

1 point for each past violation, up to one year  
5 points for each past violation in a CO, up to one year  
No pending notices shall be counted

TOTAL HISTORY POINTS 25II. SERIOUSNESS (either A or B)

**NOTE:** For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? EventA. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? Water Pollution
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 12

PROVIDE AN EXPLANATION OF POINTS Inspector indicates it is likely that with additional precipitation, runoff will reach Crandall Creek because of the saturated soil and the close proximity to the stream.

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

\*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 8

PROVIDE AN EXPLANATION OF POINTS Inspector indicates flow would likely reach the stream but that the effect on the quality of the stream would not be significant. A relatively small area is involved.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement?

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS         

PROVIDE AN EXPLANATION OF POINTS         

TOTAL SERIOUSNESS POINTS (A or B) 20

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;  
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;  
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Negligence

ASSIGN NEGLIGENCE POINTS 4

PROVIDE AN EXPLANATION OF POINTS Inspector indicates that he doubts the operator was aware of the problem. There has apparently not been any soil problems in this area during previous runoff seasons.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

## Easy Abatement Situation

Immediate Compliance -11 to -20\*  
 (Immediately following the issuance of the NOV)  
 Rapid Compliance -1 to -10\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance 0  
 (Operator complied within the abatement period required)

**\*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.**

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

## Difficult Abatement Situation

Rapid Compliance -11 to -20\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance -1 to -10\*  
 (Operator complied within the abatement period required)  
 Extended Compliance 0  
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? Easy ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS At the time of assessment this NOV had not been terminated.

V. ASSESSMENT SUMMARY FOR N86-4-1-4 #1

I. TOTAL HISTORY POINTS	<u>25</u>
II. TOTAL SERIOUSNESS POINTS	<u>20</u>
III. TOTAL NEGLIGENCE POINTS	<u>4</u>
IV. TOTAL GOOD FAITH POINTS	<u>0</u>
 TOTAL ASSESSED POINTS	 <u>49</u>
 TOTAL ASSESSED FINE	 <u>\$960</u>

Mike Earl

ASSESSMENT DATE 4/7/86 ASSESSMENT OFFICER Mike Earl

X PROPOSED ASSESSMENT                      FINAL ASSESSMENT

WORKSHEET FOR ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall CanyonNOV # N86-4-1-4PERMIT # ACT/015/032VIOLATION 2 OF 4I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,  
which fall within 1 year of today's date?

ASSESSMENT DATE 4/7/86 EFFECTIVE ONE YEAR DATE 4/8/85

PREVIOUS VIOLATIONS	EFF. DATE	PTS	PREVIOUS VIOLATIONS	EFF. DATE	PTS
<u>N83-2-14-1</u>	<u>4/19/85</u>	<u>1</u>	<u>N84-4-14-1</u>	<u>2/28/86</u>	<u>1</u>
<u>N85-4-6-1</u>	<u>2/28/86</u>	<u>1</u>	<u>N85-4-7-2</u>	<u>2/28/86</u>	<u>2</u>
<u>N85-4-5-2</u>	<u>2/28/86</u>	<u>2</u>	<u>C85-4-5-2</u>	<u>3/14/86</u>	<u>2</u>
<u>N84-2-20-6</u>	<u>2/28/86</u>	<u>6</u>	<u>N85-4-9-1</u>	<u>2/28/86</u>	<u>1</u>
<u>N85-4-7-2</u>	<u>2/28/86</u>	<u>2</u>	<u>N85-4-12-3</u>	<u>2/28/86</u>	<u>3</u>
<u>C85-4-3-1</u>	<u>3/14/86</u>	<u>5</u>	<u>C85-4-7-1</u>	<u>3/14/86</u>	<u>5</u>
<u>N85-4-16-1</u>	<u>4/19/86</u>	<u>0</u>	<u>N85-4-23-1</u>	<u>3/14/86</u>	<u>1</u>

1 point for each past violation, up to one year

5 points for each past violation in a CO, up to one year

No pending notices shall be counted

TOTAL HISTORY POINTS 25II. SERIOUSNESS (either A or B)

**NOTE:** For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? EventA. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? Water Pollution
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 12

PROVIDE AN EXPLANATION OF POINTS Inspector indicates that additional runoff from snow melt is all that would be required for the event to occur. He indicates that it is likely that the event has already occurred but the evidence of that was obscured by present snow cover.

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

\*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 12

PROVIDE AN EXPLANATION OF POINTS Inspector indicates that not a great deal of damage occurs at any one moment but that it has a cumulative effect. The damage would extend into Crandell Creek and to a lesser extent into Huntington Creek.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? \_\_\_\_\_

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS \_\_\_\_\_

PROVIDE AN EXPLANATION OF POINTS \_\_\_\_\_

TOTAL SERIOUSNESS POINTS (A or B) 24

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;  
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;  
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Greater Degree of Fault

ASSIGN NEGLIGENCE POINTS 25

PROVIDE AN EXPLANATION OF POINTS The operator was issued NOV #N85-4-7-2 #2 for the same problem. The operator has apparently failed to comply with specific construction and maintenance specifications in their mine plan.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

## Easy Abatement Situation

Immediate Compliance -11 to -20\*  
 (Immediately following the issuance of the NOV)  
 Rapid Compliance -1 to -10\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance 0  
 (Operator complied within the abatement period required)

**\*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.**

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

## Difficult Abatement Situation

Rapid Compliance -11 to -20\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance -1 to -10\*  
 (Operator complied within the abatement period required)  
 Extended Compliance 0  
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? Difficult ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS At the time of assessment this NOV had not been terminated.

V. ASSESSMENT SUMMARY FORN86-4-1-4 #2

I. TOTAL HISTORY POINTS	<u>25</u>
II. TOTAL SERIOUSNESS POINTS	<u>24</u>
III. TOTAL NEGLIGENCE POINTS	<u>25</u>
IV. TOTAL GOOD FAITH POINTS	<u>0</u>

TOTAL ASSESSED POINTS	<u>74</u>
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TOTAL ASSESSED FINE	<u>\$4000</u>
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Mike Earl

ASSESSMENT DATE 4/7/86 ASSESSMENT OFFICER Mike Earl

X PROPOSED ASSESSMENT                      FINAL ASSESSMENT



WORKSHEET FOR ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall CanyonNOV # N86-4-1-4PERMIT # ACT/015/032VIOLATION 3 OF 4I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,  
which fall within 1 year of today's date?

ASSESSMENT DATE 4/7/86 EFFECTIVE ONE YEAR DATE 4/8/85

PREVIOUS VIOLATIONS	EFF. DATE	PTS	PREVIOUS VIOLATIONS	EFF. DATE	PTS
N83-2-14-1	4/19/85	1	N84-4-14-1	2/28/86	1
N85-4-6-1	2/28/86	1	N85-4-7-2	2/28/86	2
N85-4-5-2	2/28/86	2	C85-4-5-2	3/14/86	2
N84-2-20-6	2/28/86	6	N85-4-9-1	2/28/86	1
N85-4-7-2	2/28/86	2	N85-4-12-3	2/28/86	3
C85-4-3-1	3/14/86	5	C85-4-7-1	3/14/86	5
N85-4-16-1	4/19/86	0	N85-4-23-1	3/14/86	1

1 point for each past violation, up to one year

5 points for each past violation in a CO, up to one year

No pending notices shall be counted

TOTAL HISTORY POINTS 25II. SERIOUSNESS (either A or B)

**NOTE:** For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? EventA. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? Environmental Harm
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 5

PROVIDE AN EXPLANATION OF POINTS Inspector indicates that it is unlikely that any of the large fuel containers would rupture but possible that one of the smaller containers could be knocked over.

3. Would or did the damage or impact remain within the exploration or permit area? Yes

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

\*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 2

PROVIDE AN EXPLANATION OF POINTS If the event was to occur the damage would be significant. However, assessed low due to the small probability of the tanks rupturing.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement?

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS       

PROVIDE AN EXPLANATION OF POINTS       

TOTAL SERIOUSNESS POINTS (A or B) 7

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;  
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;  
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Greater Degree of Fault

ASSIGN NEGLIGENCE POINTS 25

PROVIDE AN EXPLANATION OF POINTS The operator has received two prior violations regarding this area. N85-4-12-3 #3 and N84-2-20-6 #6.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

## Easy Abatement Situation

Immediate Compliance -11 to -20\*  
 (Immediately following the issuance of the NOV)  
 Rapid Compliance -1 to -10\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance 0  
 (Operator complied within the abatement period required)

**\*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.**

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

## Difficult Abatement Situation

Rapid Compliance -11 to -20\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance -1 to -10\*  
 (Operator complied within the abatement period required)  
 Extended Compliance 0  
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? Easy ASSIGN GOOD FAITH POINTS -15

PROVIDE AN EXPLANATION OF POINTS NOV was to be abated by March 19, 1986.  
NOV was terminated effective March 4, 1986.

V. ASSESSMENT SUMMARY FOR N86-4-1-4 #3

I. TOTAL HISTORY POINTS	<u>25</u>
II. TOTAL SERIOUSNESS POINTS	<u>7</u>
III. TOTAL NEGLIGENCE POINTS	<u>25</u>
IV. TOTAL GOOD FAITH POINTS	<u>-15</u>
 TOTAL ASSESSED POINTS	 <u>42</u>
 TOTAL ASSESSED FINE	 <u>\$680</u>

Mike Earl

ASSESSMENT DATE 4/7/86 ASSESSMENT OFFICER Mike Earl

X PROPOSED ASSESSMENT                      FINAL ASSESSMENT

WORKSHEET FOR ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon NOV # N86-4-1-4  
PERMIT # ACT/015/032 VIOLATION 4 OF 4

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,  
which fall within 1 year of today's date?

ASSESSMENT DATE 4/7/86 EFFECTIVE ONE YEAR DATE 4/8/85

PREVIOUS VIOLATIONS	EFF. DATE	PTS	PREVIOUS VIOLATIONS	EFF. DATE	PTS
N83-2-14-1	4/19/85	1	N84-4-14-1	2/28/86	1
N85-4-6-1	2/28/86	1	N85-4-7-2	2/28/86	2
N85-4-5-2	2/28/86	2	C85-4-5-2	3/14/86	2
N84-2-20-6	2/28/86	6	N85-4-9-1	2/28/86	1
N85-4-7-2	2/28/86	2	N85-4-12-3	2/28/86	3
C85-4-3-1	3/14/86	5	C85-4-7-1	3/14/86	5
N85-4-16-1	4/19/86	0	N85-4-23-1	3/14/86	1

1 point for each past violation, up to one year

5 points for each past violation in a CO, up to one year

No pending notices shall be counted

TOTAL HISTORY POINTS 25

II. SERIOUSNESS (either A or B)

**NOTE:** For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? Water Pollution
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 13

PROVIDE AN EXPLANATION OF POINTS Assessed as likely based on inspector statement that disturbed area runoff was bypassing the sediment pond inlet culvert and continuing down access/haul road. Increased snow melt runoff would cause the event to occur. Inspector indicates this is highly likely.

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

\*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 10

PROVIDE AN EXPLANATION OF POINTS Inspector indicates the runoff bypassing the sediment pond was less than 5 gpm. With increased snowmelt the runoff could reach Crandall Creek.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? \_\_\_\_\_

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS \_\_\_\_\_

PROVIDE AN EXPLANATION OF POINTS \_\_\_\_\_

TOTAL SERIOUSNESS POINTS (A or B) 23

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;  
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;  
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Negligence

ASSIGN NEGLIGENCE POINTS 6

PROVIDE AN EXPLANATION OF POINTS Inspector indicates the problem is due to operator failing to maintain class I road drainage controls.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

## Easy Abatement Situation

Immediate Compliance -11 to -20\*  
 (Immediately following the issuance of the NOV)  
 Rapid Compliance -1 to -10\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance 0  
 (Operator complied within the abatement period required)

**\*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.**

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

## Difficult Abatement Situation

Rapid Compliance -11 to -20\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance -1 to -10\*  
 (Operator complied within the abatement period required)  
 Extended Compliance 0  
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? Easy ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS NOV was to be abated immediately. NOV was terminated effective March 13, 1986.

V. ASSESSMENT SUMMARY FOR N86-4-1-4 #4

I. TOTAL HISTORY POINTS	<u>25</u>
II. TOTAL SERIOUSNESS POINTS	<u>23</u>
III. TOTAL NEGLIGENCE POINTS	<u>6</u>
IV. TOTAL GOOD FAITH POINTS	<u>0</u>

TOTAL ASSESSED POINTS 54

TOTAL ASSESSED FINE \$1140

Mike Earl

ASSESSMENT DATE 4/7/86 ASSESSMENT OFFICER Mike Earl

X PROPOSED ASSESSMENT                      FINAL ASSESSMENT